

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: ETHICON PHYSIOMESH
FLEXIBLE COMPOSITE
HERNIA MESH PRODUCTS
LIABILITY LITIGATION**

**MDL DOCKET NO. 2782
CIVIL ACTION NO.
1:17-MD-02782-RWS**

This document relates to:

Civil Action No. _____

ROBERT LEE PAULEY

SHORT FORM COMPLAINT

Comes now the Plaintiff named below, and for her Complaint against the Defendants named below, incorporates The Master Complaint in MDL No. 2782 by reference. Plaintiff further shows the Court as follows:

1. Plaintiff Implanted with Physiomesb (First name, middle initial, and last name)
Robert Lee Pauley
2. Plaintiff's Spouse (if applicable)
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)
N/A
4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint
Florida
5. State of Residence and Citizenship at the Time of Implantation
Florida

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

U.S. District Court Middle District of Florida – Orlando Division

7. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Ethicon, Inc.
☒ B. Johnson & Johnson

8. Basis of Jurisdiction

- ☒ Diversity of Citizenship
☐ Other: _____

- A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

11-13

- B. Other allegations of jurisdiction and venue

N/A

- 9.

Date(s) Plaintiff was Implanted with Physiomesb (list date of each implant surgery, where applicable, on separate line)	Hospital(s) where Plaintiff was implanted with Physiomesb (include City and State of Hospital)	Implanting Surgeon(s)
01/06/2012	Melbourne Same Day Surgery – Health First; Melbourne, Florida	Clifford Thompson, MD

10. Counts in the Master Complaint brought by Plaintiff

- ☒ Count I -Strict Product Liability- Defective Design
☒ Count II-Strict Product Liability- Failure to Warn

- ☒ Count III-Strict Product Liability- Manufacturing Defect
- ☒ Count IV- Negligence
- ☒ Count V- Consumer Protection Laws (Please identify applicable State Consumer Protection law(s) and state any additional facts and legal basis for application of State Consumer Protection law(s) in this case) Fla. Stat. Ann. §§ 501.201 et seq.
- ☒ Count VI- Gross Negligence
- ☐ Count VII- Loss of Consortium
- ☒ Count VIII- Punitive Damages
- ☒ Count IX- Discovery Rule, Equitable Tolling/Estoppel (Please state any additional facts and legal bases for Discovery Rule and Tolling below)
- ☒ Other Count(s) (please state factual and legal basis for other claims not included in the Master Complaint below):

Breach of Implied Warranty – At the time Defendants designed, manufactured, produced, tested, studied, inspected, labeled, marketed, advertised, sold, promoted, and distributed the Physiomesh for use by Plaintiff, Defendants knew of the intended use of the Physiomesh, and impliedly warranted their product to be of merchantable quality, safe, and fit for its intended use.

- ☒ Jury Trial is Demanded as to All Counts
- ☐ Jury Trial is NOT Demanded as to Any Count

Respectfully submitted,

/s/ Kelsey L. Stokes

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